

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

ROY MYERS

CASE NO. 19-cv-1349

-vs-

JUDGE DRELL

U S DEPART OF HEALTH & HUMAN
SERVICES ET AL

MAGISTRATE JUDGE PEREZ-MONTES

RULING

Before the court is the “United States’ Motion to Dismiss Pursuant to Fed.R.Civ.P. 25(a)(1)” wherein the government seeks dismissal of the instant action instituted by Roy Myers. Mr. Myers died on June 22, 2020 and despite the government’s efforts to notify Mr. Myers’ next of kin, Misty George, that should could move to substitute herself as the proper party, no appearance has been made.

The government filed a suggestion of death on April 12, 2021. On May 17, 2021, the written notice of death was served upon Ms. George pursuant to Fed.R.Civ.P. 4 on May 17, 2021. Ms. George had 90 days to seek leave to substitute herself as the plaintiff in this case, yet no motion and no other appearance were made. Accordingly, the court must comply with the provisions of Fed.R.Civ.P. 25(a)(1) and dismiss the action.

A judgment in conformity with these findings will be issued this date.

THUS DONE AND SIGNED at Alexandria, Louisiana this th29 day of September 2021.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT